IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4074 of 2007()

CRIMENO.245/07 OF VALAPPAD POLICE STATION

PETITIONER/ACCUSED NOS 1 & 2

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1. BHAGAVAT SINGH, AGED 48 YEARS,
KANJIRAPARAMBIL,
KARAYAMUTTOM,THRISSUR.

2. PRIYAN,AGED 32 YEARS,
KANJIRAPARAMBIL,KAZHIMBARAM,THRISSUR.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA,REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM (CRIME NO.245 OF 2007 OF VALAPPAD
POLICE SATION).

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4074 of 2007

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Dated this the 6th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioners face allegations, inter alia, under Section 452 I.P.C. That is the only non-bailable offence alleged. There are two petitioners. The learned Prosecutor submits that the second petitioner is not required to be arrested in connection with this crime at all. His prayer can therefore be rejected accepting that submission.

2. So far as the first petitioner is concerned, allegation is that between the defacto complainant and the second petitioner, there was a criminal case. The first petitioner/accused had attempted to settle the dispute. There was a quarrel in connection with that incident. Case and counter case were registered also. The learned counsel for the petitioners submits that on admitted facts it is indicated clearly that the petitioners had no contumacious or culpable intention. Even assuming that there was some untoward incident in the course of settling the dispute, the same cannot be held to be sufficient to justify arrest and incarceration of the petitioners in prison. No weapon is admittedly used for the commission of the crime.

3. The learned Prosecutor in these circumstances only prays that subject to appropriate conditions and safeguards anticipatory bail may be granted to the petitioner.

4. In the result:

(1) This application in so far as the second petitioner is concerned is dismissed holding that his apprehension is baseless.

(2) This petition is allowed in part and following directions are issued in favour of the first petitioner under Section 438 Cr.P.C.

(a) The first petitioner shall surrender before the learned Magistrate on 13.7.2007 at 11 a.m. The learned Magistrate shall release him on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The first petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 14.7.07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of four weeks. Subsequently he shall appear as and when directed by the Investigating Officer in writing to do so.

(c) If the first petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 13.7.06 and the police shall be at liberty thereafter to arrest the first petitioner and deal with him in accordance with law.

(d) If the first petitioner were arrested prior to his surrender on 13.7.2006 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 13.7.2007.

(R. BASANT)
Judge

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